



Sen. Martin A. Sandoval

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1 AMENDMENT TO SENATE BILL 1354

2 AMENDMENT NO. _____. Amend Senate Bill 1354 by replacing
3 line 6 on page 1 through line 9 on page 5 with the following:

4 "(230 ILCS 5/12.2 new)

5 Sec. 12.2. Business enterprise program.

6 (a) For the purposes of this Section, the terms "minority",
7 "minority owned business", "female", "female owned business",
8 "person with a disability", and "business owned by a person
9 with a disability" have the meaning ascribed to them in the
10 Business Enterprise for Minorities, Females, and Persons with
11 Disabilities Act.

12 (b) The Board shall, by rule, establish goals for the award
13 of contracts by each organization licensee or inter-track
14 wagering licensee to businesses owned by minorities, females,
15 and persons with disabilities, expressed as percentages of an
16 organization licensee's or inter-track wagering licensee's
17 total dollar amount of contracts awarded during each calendar

1 year. Each organization licensee or inter-track wagering
2 licensee must make every effort to meet the goals established
3 by the Board pursuant to this Section. When setting the goals
4 for the award of contracts, the Board shall not include
5 contracts where: (1) licensees are purchasing goods or services
6 from vendors or suppliers or in markets where there are no or a
7 limited number of minority owned businesses, women owned
8 businesses, or businesses owned by persons with disabilities
9 that would be sufficient to satisfy the goal; (2) there are no
10 suppliers licensed by the Board; (3) the licensee or its parent
11 company owns a company that provides the goods or services; or
12 (4) the goods or services are provided to the licensee by a
13 publicly traded company.

14 (c) Each organization licensee or inter-track wagering
15 licensee shall file with the Board an annual report of its
16 utilization of minority owned businesses, female owned
17 businesses, and businesses owned by persons with disabilities
18 during the preceding calendar year. The reports shall include a
19 self-evaluation of the efforts of the organization licensee or
20 inter-track wagering licensee to meet its goals under this
21 Section.

22 (d) The organization licensee or inter-track wagering
23 licensee shall have the right to request a waiver from the
24 requirements of this Section. The Board shall grant the waiver
25 where the organization licensee or inter-track wagering
26 licensee demonstrates that there has been made a good faith

1 effort to comply with the goals for participation by minority
2 owned businesses, female owned businesses, and businesses
3 owned by persons with disabilities.

4 (e) If the Board determines that its goals and policies are
5 not being met by any organization licensee or inter-track
6 wagering licensee, then the Board may:

7 (1) adopt remedies for such violations; and

8 (2) recommend that the organization licensee or
9 inter-track wagering licensee provide additional
10 opportunities for participation by minority owned
11 businesses, female owned businesses, and businesses owned
12 by persons with disabilities; such recommendations may
13 include, but shall not be limited to:

14 (A) assurances of stronger and better focused
15 solicitation efforts to obtain more minority owned
16 businesses, female owned businesses, and businesses
17 owned by persons with disabilities as potential
18 sources of supply;

19 (B) division of job or project requirements, when
20 economically feasible, into tasks or quantities to
21 permit participation of minority owned businesses,
22 female owned businesses, and businesses owned by
23 persons with disabilities;

24 (C) elimination of extended experience or
25 capitalization requirements, when programmatically
26 feasible, to permit participation of minority owned

1 businesses, female owned businesses, and businesses
2 owned by persons with disabilities;

3 (D) identification of specific proposed contracts
4 as particularly attractive or appropriate for
5 participation by minority owned businesses, female
6 owned businesses, and businesses owned by persons with
7 disabilities, such identification to result from and
8 be coupled with the efforts of items (A) through (C);
9 and

10 (E) implementation of regulations established for
11 the use of the sheltered market process.

12 (f) The Board shall file, no later than March 1 of each
13 year, an annual report that shall detail the level of
14 achievement toward the goals specified in this Section over the
15 3 most recent fiscal years. The annual report shall include,
16 but need not be limited to:

17 (1) a summary detailing expenditures subject to the
18 goals, the actual goals specified, and the goals attained
19 by each organization licensee or inter-track wagering
20 licensee;

21 (2) a summary of the number of contracts awarded and
22 the average contract amount by each organization licensee
23 or inter-track wagering licensee;

24 (3) an analysis of the level of overall goal
25 achievement concerning purchases from minority owned
26 businesses, female owned businesses, and businesses owned

1 by persons with disabilities;

2 (4) an analysis of the number of minority owned
3 businesses, female owned businesses, and businesses owned
4 by persons with disabilities that are certified under the
5 program as well as the number of those businesses that
6 received State procurement contracts; and

7 (5) a summary of the number of contracts awarded to
8 businesses with annual gross sales of less than \$1,000,000;
9 of \$1,000,000 or more, but less than \$5,000,000; of
10 \$5,000,000 or more, but less than \$10,000,000; and of
11 \$10,000,000 or more."; and

12 on page 6, line 2, after the period, by inserting "When setting
13 the goals for the award of contracts, the Board shall not
14 include contracts where: (1) licensees are purchasing goods or
15 services from vendors or suppliers or in markets where there
16 are no or a limited number of minority owned businesses, women
17 owned businesses, or businesses owned by persons with
18 disabilities that would be sufficient to satisfy the goal; (2)
19 there are no licensed suppliers as defined by this Act for the
20 goods or services provided to the licensee; (3) the licensee or
21 its parent company owns a company that provides the goods or
22 services; or (4) the goods or services are provided to the
23 licensee by a publicly traded company."; and

24 on page 9, line 17, after the period, by inserting "When

1 setting the goals for the award of contracts, the Board shall
2 not include contracts where: (1) licensees are purchasing goods
3 or services from vendors or suppliers or in markets where there
4 are no or a limited number of minority owned businesses, women
5 owned businesses, or businesses owned by persons with
6 disabilities that would be sufficient to satisfy the goal; (2)
7 the licensee or its parent company owns a company that provides
8 goods or services; or (3) the goods and services are provided
9 to the license by a publicly traded company."